

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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EVELINA CALCANO, ON BEHALF OF HERSELF  
AND ALL OTHER PERSONS SIMILARLY  
SITUATED,

Plaintiff(s)

-v-

SCHOTT NYC CORP.,

Defendant(s)

Case No.: 1:19-cv-11382-LJL

NOTICE OF MOTION  
TO DISMISS PLAINTIFF'S  
FIRST AMENDED CLASS  
ACTION COMPLAINT

**PLEASE TAKE NOTICE**, that upon the Declaration of Mitchell Segal, Esq. and exhibits thereto and the Memorandum of Law in Support of The Motion To Dismiss Plaintiff's First Amended Complaint and the pleadings and proceedings in the instant litigation herein, Defendant SCHOTT NYC CORP. ("Defendant") by and through its attorney, Law Offices of Mitchell S. Segal, P.C., will move this honorable Court, before the Honorable Lewis J. Liman, on a date and time designated by the Court at the United States District Court for the Southern District of New York at Courtroom 15C located at 500 Pearl Street, New York, New York 10007-1512 pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure, for an Order dismissing the Plaintiff's Complaint in its entirety, for reasonable attorney fees and costs for the filing of this motion and for such other and further relief as this Court deems just and proper.

Dated: May 1, 2020  
Great Neck, New York

Respectfully Submitted,

Law Offices of Mitchell S. Segal P.C.

/s/ Mitchell Segal

By: \_\_\_\_\_  
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CERTIFICATE OF SERVICE

I, Mitchell Segal, hereby certify that a true and correct copy of the foregoing document was served via ECF on this 1<sup>st</sup> day of May, 2020 upon attorneys for Plaintiff.

Dated: May 1, 2020  
Great Neck, New York

/s/ Mitchell Segal

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Mitchell Segal